

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 571 of 2001

in

SPECIAL CIVIL APPLICATION No 11758 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

and

Hon'ble MR.JUSTICE D.P.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

NATVARLAL PREMJBHAI CHAUHAN

Appearance:

1. LETTERS PATENT APPEAL No. 571 of 2001
MR PREMAL JOSHI A.G.P. for Appellant No.
MR JB DASTOOR for Respondent No. 1
MR NAVIN N CHAUHAN for Respondent No. 1
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CORAM : MR.JUSTICE A.R.DAVE

and
MR.JUSTICE D.P.BUCH

Date of decision: 05/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

1. We have heard learned A.G.P. Shri Premal Joshi for the appellant and learned advocate Shri N.N. Dastoor for the respondent - workman. We have gone through the order passed by the learned Single Judge which has been challenged in this appeal and the order of the Labour Court, whereby the respondent-workman has been directed to be reinstated in service.

2. It has been submitted by learned A.G.P. that the workman was in fact retrenched but he had stopped attending the work voluntarily and, therefore, there should not be any question of reinstatement as directed by the Labour Court.

3. On the other hand learned advocate Shri Dastoor has submitted that the workman was relieved without justifiable reason and as he had worked for more than 240 days in a year, he should have been given retrenchment compensation, which was not given to him by the employer. Our attention has been drawn by learned advocate Shri Dastoor to Exh.46 which clearly reveals that the workman was relieved from his service and he had not stopped attending to his duty voluntarily. In view of the above fact, we do not find any reason to interfere with the judgment delivered by the learned Single Judge and therefore the appeal is dismissed with no order as to costs.

5.9.2001. (A.R. Dave, J.)

(D.P. Buch, J.)

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